

Council Record No. 200

REGULAR MEETING
MARCH 25, 2002
PAGE 105

THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MONDAY, MARCH 25, 2002 AT 5:30 P.M.

The Meeting was called to order at 5:30 p.m. Present: Council Chairperson McRoy; Council Members: Camp, Cook, Friendt, Seng, Svoboda, Werner; Joan Ross, City Clerk.

Council Chair asked all present to stand and recite the Pledge of Allegiance and reflect for a moment of silent meditation.

READING OF THE MINUTES

CAMP Having been appointed to read the minutes of the City Council proceedings of March 18, 2002, reported having done so, found same correct.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

PUBLIC HEARING

CREATING ORNAMENTAL LIGHTING DISTRICT NO. 285 IN LAKESIDE DRIVE FROM APPROXIMATELY SURFSIDE DRIVE TO WEST S STREET - Craig Bauer, Lakeside LLC, stated he was owner of a 200 unit complex on the west side of Lakeside Dr. and wished to have ornamental lighting installed on this street. Discussion followed.

This matter was taken under advisement.

CREATING SEWER DISTRICT NO. 1177 IN OLD CHENEY ROAD FROM APPROXIMATELY 62ND STREET EAST TO APPROXIMATELY PHEASANT RUN LANE - CLERK submitted for the record a letter from Richard McDermott, 6401 Old Cheney Road who is in opposition of this sewer district.

Robert Beck, 6701 Old Cheney Road, came forward in support of this sewer district.

Karen Dinom, 6615 Old Cheney Road, came forward in favor of this sewer district.

Tom Huston, 233 S. 13th Street, Ste. 1900, came forward representing Schmidt, Gebbe Enterprises who wants to subdivide his property of Southeast section of Old Cheney Road, would like sewer brought to their property, but need to work it out with Public Works so requested a week delay.

Tim O'Neill, 800 Lincoln Square, 121 S. 13th St., representing HB2 INC. and the estate of Herb Walt came forward in favor of the sewer district. He, also, asked for a one week delay to work out with the neighbors to be able to get utilities to this property.

Nicole Fleck-Tooze, Public Works & Utilities Dept., came forward to explain that Public Works denied this application because the purpose of the district is to serve new development and the acreage lots to the south naturally drain to the southwest and would be better served by a sewer line from the southwest. Discussion followed.

This matter was taken under advisement.

CREATING THE UNIVERSITY PLACE BUSINESS IMPROVEMENT DISTRICT ALONG N. 48TH STREET FROM COLBY STREET ON THE SOUTH TO THE HALF-BLOCK NORTH OF ADAMS STREET ON THE NORTH; AND ALONG ST. PAUL AVE. FROM N. 47TH STREET TO N. 50TH STREET - Carole Eddins, Urban Development, came forward to state that the improvements to this district would be limited to sidewalks, benches, light posts, ornamental lights & colored concrete. All these would be movable in case there would be work done to the streets. Discussion followed.

Annette McRoy, Council Member, entered letters into the record from Randall Acher & Jerry Lilja who are in opposition into the record.

Stephen Guittar, 2649 N. 48th St., University Plaza BID President, came forward in favor of.

This matter was taken under advisement.

AMENDING SECTION 10.48.110 OF THE LINCOLN MUNICIPAL CODE RELATING TO BICYCLES TO REQUIRE LIGHTS ON THE FRONT AND REAR OF BICYCLES OPERATED ON THE STREETS OF LINCOLN BETWEEN ONE-HALF HOUR AFTER SUNSET AND ONE-HALF HOUR BEFORE SUNRISE - Alan Wickman, no address given, came forward in support of this amendment. He also offered suggestions to include lights attached to bicycle helmets & other ways of satisfying the requirement of pedal reflectors. Discussion followed.

City of Lincoln, Nebraska

REGULAR MEETING
6656 - REDFIELD & COMPANY, INC., OMAHA
MARCH 25, 2002
PAGE 106

Jonathan Cook, Council Member, commented about visibility of reflectors & lights from the side while crossing a street.

Craig Groat, 4935 Huntington Ave., came forward to ask that the amendment include trails, also. He stated that he used a strobe light on his belt for safety.

Rich Rodenburg, 3155 Tihen Cr., came forward to state that he is on the Bicycle Committee & they had not seen this ordinance. He suggested that reflectors not be replaced with strobe lights & not to take away the rear reflector requirements. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 3350 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE (THE ZONING ORDINANCE) REGARDING THE STORAGE OF VEHICLES FOR SALE AND RESALE IN THE H-2 HIGHWAY BUSINESS DISTRICT AND H-3 HIGHWAY COMMERCIAL DISTRICT AS A PERMITTED CONDITIONAL USE; AND TO DELETE THE STORAGE OF VEHICLES FOR SALE AND RESALE ON ANY PORTION OF A LOT WHERE PARKING IS PERMITTED AS A SPECIAL PERMITTED USE IN THE B-3 COMMERCIAL DISTRICT, H-2 HIGHWAY BUSINESS DISTRICT, H-3 HIGHWAY BUSINESS DISTRICT AND I-2 INDUSTRIAL DISTRICT - Brian Will, Planning Dept. came forward to answer any questions. Discussion followed.

Mr. Cook, questioned parking lot lighting.

Mr. Wills stated that Law Dept. is putting together an amendment to include the lighting for just front yards. Further discussion followed.

Bill Austin, Erickson & Sederstrom, 301 S 13th, Suite 400, representing West O Business Association and Auto Dealers Association presented letters in favor of the new amended ordinance. Discussion followed.

Vince Cornell, 9201 S. 53rd St., Secretary of West O Business Assn. stated he was in favor of the 6' setback.

Mr. Cook asked why he put up a fence on the west side of his property on West O Street.

Mr. Cornell stated it was to keep trash coming from neighbor's lot, to separate the cars on his lot from the neighbor's customers, & to show absurdity of being able to put a fence up to the property line, but not cars.

Martin Huff, Countryside Homes, 5300 West O Street, Vice President of West O Business Assn., stated that the West O Business Assn. is not just car dealers & is in favor of this ordinance.

Mike Stewart, Edward Jones Investments, is also a member of the West O Business Assn. & in favor of.

Val Swanson, Value Autos, 3100 West O Street, stated that auto dealers bring economics to the city in the form of sales tax & wheel tax.

James Sedam, 650 West O Street, came forward in favor of. Discussion followed.

Mike Ziebarth, 6927 Colby St., Mgr. of Runza Restaurants & member of the West O Business Assn. came forward in favor of.

Terry Hinkle, 1842 West Burnhum, recently purchased Sunset Motors, came forward in favor of.

Ron Sisel, 1010 West P Street, came forward in opposition because of the lighting of these car lots.

Ms. Fleck-Tooze stated there are no standards at this time for lighting of car lots. Discussion followed.

Craig Groat, 4935 Huntington Ave., came forward in opposition.

Ron Hutchison, Popeye's Restaurant, came forward against. Discussion followed.

Walt Hutchison, Ex-Vice President of the West O Business Assn. came forward in defense of the previous West O Business Assn. officers. Discussion followed.

Trish Stromer, 700 West O Street, commented that the West O Business Assn. will continue to work on the beautification of West O Street. She made the comment that the money in the treasurer's fund will not be used for attorney fees.

Mr. Cook, asked what happens with the 6' when we get to the public corridor study & it's decided we want 10' what happens with the 6' then?

Mr. Austin, commented that it could be amended up, but he couldn't respond to anything beyond to what the Staff has told us they're going to be telling you is their best judgement for a public corridor right now.

Council Record No. 200

REGULAR MEETING
MARCH 25, 2002
PAGE 107

Mr. Cook stated that if we go with 6' now and 10' later then those who are parking 6' back can continue to. There may be 50 car dealers in town who would have the 6' setback & the new number would have no affect on them.

This matter was taken under advisement.

CHANGE OF ZONE 3297 - APPLICATION OF RIDGE DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL, B-2 PLANNED NEIGHBORHOOD BUSINESS AND O-3 OFFICE PARK TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED BETWEEN S. 27TH STREET AND S. 40TH STREET, NORTH OF YANKEE HILL ROAD. (IN CONNECTION W/02-37, 02R-12, 02R-56, 02R-57)

CHANGE OF ZONE 3298 - APPLICATION OF RIDGE DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL TO R-4 RESIDENTIAL, B-2 PLANNED NEIGHBORHOOD BUSINESS AND O-3 OFFICE PARK, ON PROPERTY GENERALLY LOCATED BETWEEN S. 27TH STREET AND S. 40TH STREET, NORTH OF YANKEE HILL ROAD. (IN CONNECTION W/02-36, 02R-12, 02R-56, 02R-57)

APPROVING THE PINE LAKE HEIGHTS SOUTH AGRMT. FOR THE INSTALLATION OF OFF-SITE TRANSPORTATION IMPROVEMENTS BETWEEN THE CITY & RIDGE DEVELOPMENT & SOUTHVIEW INC. FOR THE DESIGN, CONSTRUCTION, & ALLOCATION OF COSTS RELATING TO THE STREET IMPROVEMENTS OF USE PERMIT 134 & PRELIMINARY PLAT NO. 00029 ON PROPERTY GENERALLY LOCATED BETWEEN 27TH ST. & S. 40TH ST., NORTH OF YANKEE HILL RD. (IN CONNECTION W/02-36, 02-37, 02R-56, 02R-57);

ACCEPTING & APPROVING THE PRE. PLAT OF PINE LAKE HEIGHTS SOUTH 4TH ADD. FOR 204 LOTS & 12 OUTLOTS, WITH WAIVERS OF THE REQUIRED CURB & GUTTERS ALONG S. 27TH ST., S. 40TH ST., & YANKEE HILL RD.; THE DEPTH OF SANITARY SEWER; TRANSFER OF SEWAGE FROM ONE DISTRICT TO ANOTHER; DOUBLE FRONTAGE LOTS; BLOCK LENGTH; & PEDESTRIAN EASEMENT; ON PROPERTY GENERALLY LOCATED BETWEEN S. 27TH ST. & S. 40TH ST., NORTH OF YANKEE HILL RD. (IN CONNECTION W/02-36, 02-37, 02R-12, 02R-56, 02R-57)

USE PERMIT 134 - APP. OF RIDGE DEVELOPMENT CO. TO DEVELOP 316,450 SQ. FT. OF OFFICE & COMMERCIAL SPACE, WITH A WAIVER OF THE SETBACK BETWEEN THE B-2 & O-3 DISTRS., ON PROPERTY GENERALLY BETWEEN S. 27TH ST. & S. 40TH ST., NORTH OF YANKEE HILL RD. (IN CONNECTION W/02-36, 02-37, 02R-12, 02R-56, 02R-57) - Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing Ridge Development & Southview Inc. Discussion followed.

Mr. Cook, asked where are the traffic signals going to be in this development?

Mark Palmer, Olsson Associates, explained there is one on 27th & Yankee Hill Rd., 30th & 37th or 38th Streets, 40th & Yankee Hill Rd., and 40th & Grainer Parkway.

This matter was taken under advisement.

TOOK BREAK 8:24 P.M.

RECONVENED 8:38 P.M.

VACATING A 5' X 30'6" PORTION OF NORTH 7TH STREET ADJACENT TO THE SOUTH 37' OF LOT 9, BLOCK 32, ORIGINAL PLAT OF LINCOLN, GENERALLY LOCATED AT N. 7TH AND P STREETS. (3/18/02 - PUBLIC HEARING CONT'D. W/3RD READING) - Aaron Funk, 729 Q Street, came forward representing Gale & Louise Shield & made a presentation to the reason for the vacation request. Discussion followed.

Ms. Fleck-Tooze, commented on an amendment proposed that any sale or use of the vacated right-of-way would be subject to the condition that no enclosed structures would be placed in the vacated area. Discussion followed.

This matter was taken under advisement.

APPROVING A REVISED SCHEDULE FOR SEWER FEES & SERVICE CHARGES FOR THE LINCOLN WASTEWATER SYSTEM;

APPROVING A REVISED SCHEDULE FOR WATER FEES & SERVICE CHARGES FOR THE LINCOLN WATER SYSTEM - Margaret Remmenga, Public Works & Utilities Dept., came forward to explain the proposed sewer & water fees & to answer any questions.

Jon Carlson, P.O. Box 83733, Chairman of User Fee Committee, came forward to explain the results from the committee & stated that the Substitute Resolution is a number-for-number accurate representation of the recommendation from the committee. Discussion followed.

William J. Wood, 808 D Street, President of Real Estate Owners, came forward representing the Real Estate Owners being in support of.

David Anderson, 1834 G Street, who owns & manages property, came forward in favor of.

This matter was taken under advisement.

City of Lincoln, Nebraska

REGULAR MEETING
6650—REDFIELD & COMPANY, INC. LINCOLN
MARCH 25, 2002
PAGE 108

MISCELLANEOUS BUSINESS

Michael Phipps Kane, no address given, came forward in reference to his court case versus Officer Rose, but was not allowed to discuss it because it is in the Federal Courts. He then proceeded to tell about his homeless plight.

Craig Groat, 4935 Huntington Avenue, came forward to express his opinion of zoning & aesthetics in the City of Lincoln.

This matter was taken under advisement.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND READING

CREATING ORNAMENTAL LIGHTING DISTRICT NO. 285 IN LAKESIDE DRIVE FROM APPROXIMATELY SURFSIDE DRIVE TO WEST S STREET - CLERK read an ordinance introduced by Glenn Friendt, creating Ornamental Lighting No. 285. defining the limits thereof, designating the improvements to be made therein, designating the property to be benefitted, providing for the payment of the cost thereof, and repealing all ordinances and parts of ordinances in conflict herewith, the second time.

CREATING SEWER DISTRICT NO. 1177 IN OLD CHENEY ROAD FROM APPROXIMATELY 62ND STREET EAST TO APPROXIMATELY PHEASANT RUN LANE - PRIOR to reading:
WERNER Moved to have public hearing continued and to have 3rd reading on 4/8/02.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Glenn Friendt, creating Sewer District No. 1177, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CREATING THE UNIVERSITY PLACE BUSINESS IMPROVEMENT DISTRICT ALONG N. 48TH STREET FROM COLBY STREET ON THE SOUTH TO THE HALF-BLOCK NORTH OF ADAMS STREET ON THE NORTH; AND ALONG ST. PAUL AVE. FROM N. 47TH STREET TO N. 50TH STREET - CLERK read an ordinance, introduced by Glenn Friendt, creating a business improvement district under the authority of the Business Improvement District Act (Neb. Rev. Stat. Sec. 19-4015 et seq.) (Reissue 1997) to be known as the University Place Maintenance District for the purpose of providing maintenance of certain public facilities and improvements in the University Place area of the City of Lincoln, Nebraska; providing for special assessments to be imposed within the district based upon the benefits conferred and providing maximum limits upon the first of such assessments, the second time.

AMENDING SECTION 10.48.110 OF THE LINCOLN MUNICIPAL CODE RELATING TO BICYCLES TO REQUIRE LIGHTS ON THE FRONT AND REAR OF BICYCLES OPERATED ON THE STREETS OF LINCOLN BETWEEN ONE-HALF HOUR AFTER SUNSET AND ONE-HALF HOUR BEFORE SUNRISE - PRIOR to reading:

CAMP Moved to place Bill no. 02-33 on Pending.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Glenn Friendt, amending Section 10.48.110 of the Lincoln Municipal Code relating to Bicycles to require lights on the front and rear of bicycles operated on the streets of Lincoln between one-half hour after sunset and one-half hour after sunset and one-half hour before sunrise; and repealing Section 10.48.110 of the Lincoln Municipal Code as hitherto existing, the second time.

Council Record No. 200

REGULAR MEETING

MARCH 25, 2002

PAGE 109

AMENDING SECTION 26.11.039 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE AN ADDITIONAL METHOD TO GUARANTEE INSTALLATION OF IMPROVEMENTS WITHIN A FINAL PLAT - CLERK read an ordinance, introduced by Glenn Friendt, amending Section 26.11.039 of the Lincoln Municipal Code to add an additional method to guarantee installation of improvements within a final plat; and repealing Section 26.11.039 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 3350 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE (THE ZONING ORDINANCE) REGARDING THE STORAGE OF VEHICLES FOR SALE AND RESALE IN THE H-2 HIGHWAY BUSINESS DISTRICT AND H-3 HIGHWAY COMMERCIAL DISTRICT AS A PERMITTED CONDITIONAL USE; AND TO DELETE THE STORAGE OF VEHICLES FOR SALE AND RESALE ON ANY PORTION OF A LOT WHERE PARKING IS PERMITTED AS A SPECIAL PERMITTED USE IN THE B-3 COMMERCIAL DISTRICT, H-2 HIGHWAY BUSINESS DISTRICT, H-3 HIGHWAY BUSINESS DISTRICT AND I-2 INDUSTRIAL DISTRICT - CLERK read an ordinance, introduced by Glenn Friendt, amending Title 27 of the Lincoln Municipal Code (the Zoning Ordinance) regarding the storage of vehicles for sale and resale in the H-2 Highway Business District and H-3 Highway Commercial District as a permitted conditional use; and to delete the storage of vehicles for sale and resale on any portion of a lot where parking is permitted as a special permitted use in the B-3 Commercial District, H-2 Highway Business District, H-3 Highway Business District and I-2 Industrial District, the second time.

CHANGE OF ZONE 3297 - APPLICATION OF RIDGE DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL, B-2 PLANNED NEIGHBORHOOD BUSINESS AND O-3 OFFICE PARK TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED BETWEEN S. 27TH STREET AND S. 40TH STREET, NORTH OF YANKEE HILL ROAD. (IN CONNECTION W/02-37, 02R-12, 02R-56, 02R-57) - CLERK read an ordinance, introduced by Glenn Friendt, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 3298 - APPLICATION OF RIDGE DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL TO R-4 RESIDENTIAL, B-2 PLANNED NEIGHBORHOOD BUSINESS AND O-3 OFFICE PARK, ON PROPERTY GENERALLY LOCATED BETWEEN S. 27TH STREET AND S. 40TH STREET, NORTH OF YANKEE HILL ROAD - CLERK read an ordinance, introduced by Glenn Friendt, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

RESOLUTIONS

ORDERING WATER DIST. 1186 CONSTRUCTED IN MARLBOROUGH RD. FROM THE EXISTING HYDRANT SOUTH APPROX. 700' WITHIN STEVENS RIDGE ESTATES -CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption: A-81407 WHEREAS, the City Council of Lincoln, Nebraska, acting under Article VI, Section 2 of the Home Rule Charter for said City, has created Water District No. 1186 through passage of Ordinance No. 17970 which water district is located in Marlborough Road, from the existing hydrant south approximately 700'+/-.

WHEREAS, it is deemed necessary for the general health, welfare and safety of the City of Lincoln, and more so for the health, welfare and safety of the benefitted property included within Water District No. 1186 that said district be constructed;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that Water District No. 1186 is hereby ordered constructed.

Introduced by Coleen Seng

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING AN AGRMT. BETWEEN THE CITY & THE NEBRASKA DEPT. OF ROADS TO RECONSTRUCT OLD CHENEY RD. TO A FOUR-LANE URBAN ROADWAY FROM NEBRASKA HIGHWAY 2 TO 70TH ST. (PROJECT NO. STPAA-5202(7)) - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

City of Lincoln, Nebraska

REGULAR MEETING
6656-REDFIELD & COMPANY INC. OMAHA
MARCH 25, 2002
PAGE 110

A-81408 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads to reconstruct Old Cheney Road between Highway 2 and 70th Street to a four-lane urban roadway, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return one fully executed copy of the Agreement to the State of Nebraska Department of Roads.

Introduced by Coleen Seng

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING AN AGRMT. BETWEEN THE CITY & MARSH INC. FOR A HEALTH INSURANCE REQUEST FOR PROPOSAL TO INCLUDE PREPARATION, SPECIFICATIONS, INTERVIEWS, ANALYSIS, & EVALUATION, FOR THE TIME PERIOD OF MARCH 2002 THROUGH DECEMBER 31, 2002 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81409 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached proposal between the City of Lincoln and Marsh, Inc. for a health insurance request for proposal to include preparation, specifications, interviews, analysis and evaluation, pursuant to the terms and conditions of said agreement, which is attached hereto and marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit a executed copy of the Agreement to Georgia Glass, Personnel Director, for transmittal to Marsh, Inc.

Introduced by Coleen Seng

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING A REVISED SCHEDULE FOR SEWER FEES & SERVICE CHARGES FOR THE LINCOLN WASTEWATER SYSTEM - PRIOR to reading:

COOK Moved to accept a substitute resolution.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81411 WHEREAS, the City Council of Lincoln, Nebraska, is authorized under Sections 17.60.020 and 17.60.030 of the Lincoln Municipal Code to establish wastewater charges for all customers of the Lincoln Wastewater System.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

Effective with the billing cycle commencing on May 28, 2002, the following schedule of wastewater use charges is hereby established and adopted:

BASIC WASTEWATER USE CHARGE

(a) The basic wastewater use unit charge is hereby established as 103.5 cents.

(b) For any given residential property, the basic wastewater use charge for each billing cycle shall be determined by multiplying for each such cycle the total amount of water, in hundreds of cubic feet, metered for said property during a billing cycle chosen by the Director from the most recent past winter, by the basic wastewater use unit charge.

In the case of change of occupancy of residential property, if the Director reasonably determines that to compute the basic wastewater use charge for a given billing cycle upon the amount of water used by such property during such winter billing cycle would be inequitable either to the City or to the user, he shall use the average amount of water used by like users during such winter billing cycle to compute such charge.

(c) For any non-residential property, the basic wastewater use charge for a given billing cycle shall be determined by multiplying for each cycle the amount of water or wastewater, in hundreds of cubic feet, measured for said property during such cycle, by the basic wastewater use unit charge.

Council Record No. 200

REGULAR MEETING

MARCH 25, 2002

PAGE 111

(d) Non-residential users shall be given credit, at the same rate, for water not discharged into the sanitary sewers provided such water is separately metered with the approval of the Public Utilities Department and at the customer's expense.

(e) Where a wastewater flow meter or other wastewater measuring device is required or permitted by the Director and is used to measure the volume of wastewater discharged into the Lincoln Wastewater System, such wastewater use charge shall be computed thereon at the basic wastewater use unit charge.

SERVICE CHARGE

Regardless of whether a wastewater meter is used, there shall be a service charge per month to each property using the Lincoln Wastewater System, determined by the number and size of the water meters serving such property, to-wit:

WATER METER SIZE	SERVICE CHARGE
5/8 inch	\$ 1.31
3/4 inch	1.31
1 inch	1.31
1-1/2 inch	2.62
2 inch	5.24
3 inch	11.79
4 inch	20.96
6 inch	47.17
8 inch	83.85
10 inch	131.02

The minimum service charge for a multiple dwelling unit or a mobile home shall be at least \$0.78 per dwelling unit or mobile home hookup space per month. In those instances where fire protection considerations dictate that a water meter larger than 1-inch service a single-family dwelling unit located on a single lot, the monthly service charge shall be \$1.31 per dwelling unit.

WASTEWATER RATES TO CUSTOMERS OUTSIDE

THE CITY LIMITS

Customers located outside the City Limits of Lincoln and served by the Lincoln Wastewater System shall pay the same Wastewater rates charged to customers within the City Limits of Lincoln for service furnished them by the Lincoln Wastewater System.

BE IT FURTHER RESOLVED that Resolution No. A-75077, adopted by the City Council on October 19, 1992, is hereby superseded.

Introduced by Coleen Seng

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING A REVISED SCHEDULE FOR WATER FEES & SERVICE CHARGES FOR THE LINCOLN WATER SYSTEM - PRIOR to reading:

COOK Moved to accept a substitute resolution.

Seconded by Seng & carried by the following vote: AYES: Camp,

Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81410 WHEREAS, the City Council of Lincoln, Nebraska, is authorized under Section 17.22.010 of the Lincoln Municipal Code to establish water use charges for all customers of the Lincoln Water System.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

Effective with the billing cycle commencing on May 28, 2002, the following schedule of water use charges is hereby established and adopted:

SCHEDULE A

The following rate schedule shall apply to all residential property. "Residential Property" shall be defined as property consisting of dwelling units. If there is more than one use per master meter on any one property including the residential use, the schedule to be used will be determined as residential, if the residential portion is 50 percent or more of the area of the building.

79 cents per 100 cubic feet for the first 800 cubic feet of water used per dwelling unit each month.

109 cents per 100 cubic feet for the next 1500 cubic feet of water used per dwelling unit each month.

145 cents per 100 cubic feet for all additional water used each month.

The monthly Service Charge shall be hereinafter provided.

City of Lincoln, Nebraska

REGULAR MEETING
6656—REDFIELD & COMPANY, INC., OMAHA
MARCH 25, 2002
PAGE 112

SCHEDULE B

The following rate schedule shall apply for the current calendar year to all non-residential property that used less than 12,000,000 cubic feet of water in the previous calendar year:

79 cents per 100 cubic feet for the first 8000 cubic feet of water used per month.

109 cents per 100 cubic feet for all additional water used each month.

The minimum monthly Service Charge shall be as hereinafter provided.

SCHEDULE C

The following rate schedule shall apply for the current year to all non-residential property that used more than 12,000,000 cubic feet of water in the previous calendar year. On a calendar year basis, a "base usage" of each high user customer will be determined. The base usage is an average of the water usage of each high user customer for the previous three (3) calendar years. The following fees would apply:

74.5 cents per 100 cubic feet for water usage less than base to 5% above base.

78 cents per 100 cubic feet for water usage 5% - 15% above base.

82 cents per 100 cubic feet for water usage 15% - 25% above base.

87 cents per 100 cubic feet for water usage for all water usage over 25% above base.

The minimum monthly Service Charge shall be as hereinafter provided.

SCHEDULE D - PROVISIONS APPLICABLE - TO ALL TYPES OF WATER SERVICE

Service Charge. There shall be a Service Charge per month to each property using the Lincoln Water System, determined by the number and size of the water meter, or meters, serving such property, to-wit:

WATER METER SIZE	SERVICE CHARGE FOR WATER METER
5/8 inch	\$ 2.95
3/4 inch	2.95
1 inch	2.95
1-1/2 inch	5.90
2 inch	11.80
3 inch	26.55
4 inch	47.20
6 inch	106.15
8 inch	188.75
10 inch	294.90

The Service Charge for a multiple dwelling unit or mobile home shall be at least \$1.81 per dwelling unit or mobile home hookup space per month. In those instances where fire protection considerations dictate that a water meter larger than 1-inch service a single-family dwelling unit located on a single lot, the monthly service charge shall be \$2.95 per dwelling unit. A dwelling unit shall, for the purpose of this schedule, be defined as a room or rooms in which kitchen facilities are provided, located in the building or structure used by a facility or household as a home or residence of the family or household.

WATER RATES TO CUSTOMERS OUTSIDE THE CITY LIMITS

Customers located outside the City Limits of Lincoln and served by the water system of the City of Lincoln shall pay the same water rates charged to customers within the City Limits of Lincoln for water furnished them by the water system of the City of Lincoln.

BE IT FURTHER RESOLVED that Resolution No. A-73784, adopted by the City Council on September 24, 1990, is hereby superseded.

Introduced by Coleen Seng

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING A WAIVER OF DESIGN STANDARDS FOR THE PAVING & STORM SEWER BOX IN SEWARD AVE., A 60' TURNAROUND IN N. 67TH ST., & SIDEWALKS & STREET TREES WITHIN THE SIMONDS SUBDIVISION ADMINISTRATIVE FINAL PLAT GENERALLY LOCATED AT 67TH ST. & SEWARD AVE. - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81412 WHEREAS, the administrative final plat of Simonds Subdivision was previously approved by the City of Lincoln; and

WHEREAS, the conditions of approval of said administrative final plat required certain improvements within said plat, including paving of

Council Record No. 200

REGULAR MEETING

MARCH 25, 2002

PAGE 113

streets, a storm box in Seward Ave., 60' turnaround in N. 67th Street, sidewalks, and street trees, on property generally located at 67th Street and Seward Avenue; and

WHEREAS, JNP Investments L.L.C. has requested a modification to waive said requirements pursuant to § 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission has reviewed said request and has recommended conditional approval of said request; and

WHEREAS, the City Council finds that the strict application of all requirements would result in actual difficulties or substantial hardship or injustice to the property owner.

NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska:

1. That the requirements of the Land Subdivision Ordinance and City Design Standards requiring the paving of streets, a storm box in Seward Ave., 60' turnaround in N. 67th Street, sidewalks, and street trees, on property generally located at 67th Street and Seward Avenue within the administrative final plat of Simonds Subdivision are hereby waived, upon condition that JNP Investments L.L.C. agrees to submit a formal paving petition for Seward Avenue if the adjoining property owners request a paving district in the future.

That all other conditions for approval of the administrative final plat of Simonds Subdivision shall remain in full force and effect.

Introduced by Coleen Seng

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING THE PINE LAKE HEIGHTS SOUTH AGRMT. FOR THE INSTALLATION OF OFF-SITE TRANSPORTATION IMPROVEMENTS BETWEEN THE CITY & RIDGE DEVELOPMENT & SOUTHVUE INC. FOR THE DESIGN, CONSTRUCTION, & ALLOCATION OF COSTS RELATING TO THE STREET IMPROVEMENTS OF USE PERMIT 134 & PRELIMINARY PLAT NO. 00029 ON PROPERTY GENERALLY LOCATED BETWEEN 27TH ST. & S. 40TH ST., NORTH OF YANKEE HILL RD. (IN CONNECTION W/02-36, 02-37, 02R-56, 02R-57) - PRIOR to reading:

CAMP Moved to delay action on Bill No. 02R-12 for one week to 4/1/02.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ACCEPTING & APPROVING THE PRE. PLAT OF PINE LAKE HEIGHTS SOUTH 4TH ADD. FOR 204 LOTS & 12 OUTLOTS, WITH WAIVERS OF THE REQUIRED CURB & GUTTERS ALONG S. 27TH ST., S. 40TH ST., & YANKEE HILL RD.; THE DEPTH OF SANITARY SEWER; TRANSFER OF SEWAGE FROM ONE DISTRICT TO ANOTHER; DOUBLE FRONTAGE LOTS; BLOCK LENGTH; & PEDESTRIAN EASEMENT; ON PROPERTY GENERALLY LOCATED BETWEEN S. 27TH ST. & S. 40TH ST., NORTH OF YANKEE HILL RD. (IN CONNECTION W/02-36, 02-37, 02R-12, 02R-56, 02R-57) - PRIOR to reading:

CAMP Moved to delay action on Bill No. 01R-56 for one week to 4/1/02.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

USE PERMIT 134 - APP. OF RIDGE DEVELOPMENT CO. TO DEVELOP 316,450 SQ. FT. OF OFFICE & COMMERCIAL SPACE, WITH A WAIVER OF THE SETBACK BETWEEN THE B-2 & O-3 DIST., ON PROPERTY GENERALLY BETWEEN S. 27TH ST. & S. 40TH ST., NORTH OF YANKEE HILL RD. (IN CONNECTION W/02-36, 02-37, 02R-12, 02R-56, 02R-57) - PRIOR to reading:

CAMP Moved to delay action on Bill 02R-57 for one week to 4/1/02.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO PLANNING DEPT.:

Change of Zone No. 3359 - App. of Pinnacle Bank to a change from O-2 to O-3 at 1710, 1730 and 1776 South 70th Street (Northeast corner of 70th & Lincolnshire Road).

Change of Zone No. 3360 - App. of Herbert Jr. & Katie Reese from B-6 to O-2 at 4903 Lowell Avenue.

Change of Zone No. 3361 - App. of Hartland Homes Inc. from AGR to R-3 at S.W. 27th St. & W. South St.

Pre-existing Use Permit #9S - App. of Douglas Theater Co. to increase the number of seats in Edgewood 3 Theaters from 832 seats to 1288 seats at 56th & Highway 2.

City of Lincoln, Nebraska

REGULAR MEETING
6656-REDFIELD & COMPANY INC. OMAHA
MARCH 25, 2002
PAGE 114

Combined Special Permit/Use Permit No. 19 - App. of Pinnacle Bank to operate an O-3 Office Park under Chapter 27.27 of the LMC at 1710, 1730 & 1776 S. 70th St.

Special Permit No. 1774-A - App. of Lyle L. Loth to amend the rear yard setback on Lot 4 from 15 feet to 5 feet at Old Cheney Road & South 7th St.

Special Permit No. 1951 - App. of Hartland Homes Inc to develop a community unit plan as per Chapter 27.65 at S.W. 27th St. & South St.

Special Permit No. 1952 - App. of Kent Seacrest, Seacrest & Kalkowski, to develop single family lots & possible church at S. 70th & Old Cheney.

Special Permit No. 1961 - App. of Chris Hansen to be able to temporarily store machinery, equipment & materials for use by Fence Company in accordance w/27.07.040 at Yankee Hill Rd. & Coral Dr.

Special Permit No. 1962 - App. of MMG Properties of a Convenience Store at 1120 South Coddington.

Special Permit No. 1963 - App. of Salem Oil Co. to obtain off-sale beer license at 3100 NW 12th Street.

Special Permit No. 1964 - App. of Richard K. Bollerup for Nova Sports to conduct a private dance/gymnastic school pursuant to L.M.C. Sec. 27.63.075 at 4001 S. 8th Street.

Special Permit No. Pre-Existing SP23E - App. of Nebraska Wesleyan University to allow for the future construction of Student Housing, a Campus Center/Library Complex & a new Control Utility Plant at North 50th & Huntington St.

APP. OF SESOSTRIS SHRINE, 1717 YOLANDE AVE. TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM APRIL 1 TO JUNE 30, 2002 - CLERK requested a motion to set hearing date of 4/1/02 at 1:30 P.M.

CAMP So moved.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

INFORMAL PETITION TO CREATE AN ASSESSMENT DISTRICT FOR STREET PAVING & PUBLIC WATER SERVICE ALONG SW 35TH ST. FROM WEST O STREET EXTENDING SOUTH SUBMITTED BY NDS, INC., JEFF MELLEN & LARRY COFFEY - CLERK presented said petition which was referred to the Public Works Dept.

REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON MARCH 18, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR MARCH 11 - MARCH 15, 2002 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-81413 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments for March 11 - March 15, 2002.)

Introduced by Coleen Seng

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

REPORT FROM CITY TREASURER OF TELECOMM. OCC. TAX FOR THE MONTH OF OCT. - DEC., 2001: ZENEX LONG DISTANCE; FEBRUARY, 2002: PRIMUS, TELIGENT, GLOBAL CROSSING, WORKING ASSETS, QWEST, BROADWING, AT&T COMM. OF MIDWEST, CELLULAR ONE, OPERATOR COMM. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDINANCES - 1ST READING

VACATING THE ASHBROOK DR. CUL-DE-SAC TO ALLOW FOR CONTINUATION OF THE STREET SOUTH IN CONJUNCTION WITH THE PLAT FOR PARKER'S LANDING ADDITION, GENERALLY LOCATED ½ MILE EAST OF S. 70TH ST. & ½ MILE SOUTH OF OLD CHENEY - CLERK read an ordinance, introduced by Coleen Seng, vacating a portion of Ashbrook Drive, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

Council Record No. 200

REGULAR MEETING

MARCH 25, 2002

PAGE 115

ESTABLISHING A RETIREMENT INCENTIVE PROGRAM FOR CITY EMPLOYEES WHO MEET CERTAIN AGE & SERVICE CRITERIA. (IN CONNECTION W/02R-63) (REQUEST 2ND & 3RD READING W/EMERGENCY CLAUSE ON 4/1/02) - PRIOR to reading:

CAMP Moved to delay public hearing on Bill No. 02-39 to 4/15/02.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda NAYS: Werner.

CLERK Read an ordinance, introduced by Coleen Seng, establishing a retirement buyout program; to define employees' eligibility for the program; to define the specific terms and conditions of the program; to establish the duration of the program; and declaring an emergency, the first time.

ORDINANCES - 3RD READING

VACATING A 5' X 30'6" PORTION OF NORTH 7TH STREET ADJACENT TO THE SOUTH 37' OF LOT 9, BLOCK 32, ORIGINAL PLAT OF LINCOLN, GENERALLY LOCATED AT N. 7TH AND P STREETS - PRIOR to reading:

COOK Moved to delay Bill No. 02-31 for two weeks to 4/8/02.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Seng, Werner; NAYS: Friendt, McRoy, Svoboda.

CLERK Read an ordinance, introduced by Jonathan Cook, Vacating a 5' X 30'6" portion of north 7th Street adjacent to the south 37' of Lot 9, Block 32, Original Plat of Lincoln, generally located at N. 7th and P Streets, the third time.

MISCELLANEOUS BUSINESS

PENDING LIST -

AMENDING SECTION 17.10.080 OF THE LINCOLN MUNICIPAL CODE TO ALLOW INDIVIDUAL METERS IN A MULTI-DWELLING COMPLEX. (5/7/01 - PENDING 8-10 WEEKS & TO FORM COMMITTEE):

COOK Moved to indefinitely postpone Bill No. 01-75, 01R-100, 01R-101.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, having been **Indefinitely Postponed**, was assigned File #38-4397, & was placed on file in the Office of the City Clerk.

AUTHORIZING THE CITY TO CHARGE INDIVIDUALLY METERED MULTI-DWELLING UNITS FOR WATER USE CHARGES. (IN CONNECTION W/01-75, 01R-101) (4/30/01 - ACTION DELAYED TO 5/7/01) (5/7/01 - PENDING 8-10 WEEKS & TO FORM COMMITTEE):

COOK Moved to indefinitely postpone Bill No. 01-75, 01R-100, 01R-101.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, having been **Indefinitely Postponed**, was assigned File #38-4398, & was placed on file in the Office of the City Clerk.

AUTHORIZING THE CITY TO CHARGE INDIVIDUALLY METERED MULTI-DWELLING UNITS FOR SANITARY USE CHARGES. (IN CONNECTION W/01-75, 01R-100) (4/30/01 - ACTION DELAYED TO 5/7/01) (5/7/01 - PENDING 8-10 WEEKS & TO FORM COMMITTEE):

COOK Moved to indefinitely postpone Bill No. 01-75, 01R-100, 01R-101.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, having been **Indefinitely Postponed**, was assigned File #38-4399, & was placed on file in the Office of the City Clerk.

MANAGER APPLICATION OF TRICIA RODRIQUEZ FOR CEC ENTERTAINMENT, INC. DBA "CHUCK E. CHEESE'S" AT 221 N. 66TH STREET - CLERK requested to remove from Pending for Action on 4/1/02.

SENG So moved.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF FEBRUARY 16 - 28, 2002 - (ACTION DELAYED ON CLAIMS OF WILLIAM LABRUM & HEIDI BURKLUND FOR 2 WEEKS TO 4/1/02) - CLERK requested to remove from Pending for Action on 4/1/02:

SENG So moved.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

City of Lincoln, Nebraska

REGULAR MEETING
MARCH 25, 2002
PAGE 116

CAMP Moved to extend the Pending List to April 1, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING A TRANSFER OF APPROPRIATIONS FROM EXISTING REAPPROPRIATIONS FOR
BUDGETS IN VARIOUS DEPARTMENTS FOR THE FUNDING OF THE RETIREMENT
INCENTIVE PROGRAM AS SET FORTH IN BILL NO. 02-39. (IN CONNECTION W/02-
39):


CAMP Requested to delay Public Hearing of Bill No. 02R-63 to 4/15/02
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda; NAYS: Werner.

CAMP Moved to approve the resolutions to have Public Hearing on
April 1, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ADJOURNMENT

10:17 p.m.

CAMP Moved to adjourn the City Council meeting of March 25, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
So ordered.


Joan Ross, City Clerk


Judy Roscoe, Office Assistant III